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Attorneys for Plaintiff PATRICK GALLAGHER

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PATRICK GALLAGHER,

Plaintiff,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, BERNARD CURRAN,  
RODRIGO SANTOS, WILLIAM HUGHEN,  
KEVIN BIRMINGHAM, NATALIA  
KWAITKOWSKA, AND JOE DUFFY,

Defendants.

Case No.: 23-cv-03579-SI

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF PLAINTIFF'S OPPOSITION  
TO CITY AND COUNTY OF SAN  
FRANCISCO; WILLIAM HUGHEN;  
KEVIN BIRMINGHAM; NATALIA  
KWAITKOWSKA, MAURICIO  
HERHANDEZ, JOE DUFFY'S MOTION  
TO DISMISS SECOND AMENDED  
COMPLAINT**

Hearing Date: January 5, 2024  
Time: 10:00 a.m.  
Place: Zoom

Trial Date: Not Set

Pursuant to Federal Rule of Evidence 201 and supporting case law, Plaintiff Patrick Gallagher requests that the Court take judicial notice of the following documents filed in support of his Opposition to Defendants' Motion to Dismiss his Second Amended Complaint. Court may take judicial notice of its own records in other cases, as well as records of an inferior court in other cases. *U.S. v. Wilson*, C.A.9 (Nev.) 1980, 631 F.2d 118. District court could take judicial notice of court file in related case. *Cagan v. Intervest Midwest Real Estate Corp.*, N.D.Ill.1991, 774 F.Supp. 1089. For a court to notice facts judicially, if they are not matters of general knowledge, the sources of those facts must be placed before the court; if a party places the source before the court and requests judicial notice the court must take it if the facts are susceptible of judicial

1 notice. *Clark v. South Central Bell Tel. Co.* (W.D.La.1976) 419 F.Supp. 697. See *Benak v.*  
2 *Alliance Capital Mgmt., L.P.* (3d Cir. 2006), 435 F.3d 396, 401, n. 15, permitting judicial notice of  
3 newspaper articles to indicate what was in the public realm at the time. “[A] court may take  
4 judicial notice of ‘matters of public record.’” *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th  
5 Cir. 2001).

6 **Plaintiff requests the Court take judicial notice of 2021 federal indictments of**  
7 **Curran and Santos, and the 2023 guilty plea of Curran to accepting illegal**  
8 **gratuities in violation of 18 U.S.C. § 666, and Santos guilty plea to honest**  
9 **services wire fraud in violation of 18 U.S.C. §§ 1343, 1346, are also referenced**  
10 **in this Court’s October 20, 2023 Ruling (Exhibit A), at page 2, footnote 1.**

11 **Exhibit A: Court’s October 20, 2023 Ruling on City’s Motion to Dismiss First Amended**  
12 **Complaint**

13 **Exhibit B: “Former S.F. planning commissioner settles lawsuit against city for \$1.8**  
14 **million”. San Francisco Chronicle, J.K. Dineen, Updated March 8, 2022.**  
15 **[https://www.sfchronicle.com/sf/article/Former-S-F-planning-commissioner-](https://www.sfchronicle.com/sf/article/Former-S-F-planning-commissioner-settles-lawsuit-16984700.php)**  
16 **[settles-lawsuit-16984700.php](https://www.sfchronicle.com/sf/article/Former-S-F-planning-commissioner-settles-lawsuit-16984700.php). Last accessed December 4, 2023.**

17 **Exhibit C: “San Francisco Department of Building Inspection – Building Inspection**  
18 **Division” "J:\BID\clerical\Forms & Org Charts\Org Charts\BID\2022.11.01\_BID**  
19 **Org Chart .vsd" Last accessed December 3, 2023.**

20 **Exhibit D: “Ex-Building Inspector, Engineer Must Pay San Francisco \$236K After**  
21 **Corrupt Scheme”. San Francisco Standard, Michael Barba, Published Nov.**  
22 **28, 2023. [https://sfstandard.com/2023/11/28/san-francisco-corruption-bernie-](https://sfstandard.com/2023/11/28/san-francisco-corruption-bernie-curran-rodrigo-santos-restitution/)**  
23 **[curran-rodrigo-santos-restitution/](https://sfstandard.com/2023/11/28/san-francisco-corruption-bernie-curran-rodrigo-santos-restitution/). Last accessed December 4, 2023.**

24 Dated: December 5, 2023

25 CALLAHAN & BLAINE, APLC

26 By: /s/ Jonathan W. Hornberger  
27 Javier H. van Oordt  
28 Jonathan W. Hornberger  
Attorneys for Plaintiff Patrick Gallagher